

WOLLMUTH MAHER & DEUTSCH LLP

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September 9, 2010

BY ECF AND FIRST CLASS MAIL

Magistrate Judge E. Thomas Boyle
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: J. Barrows, Inc. v. Uvino, et al.;
Uvino v. Kaehler-Moore Architects, LLC, et al.
Docket No. 09-03905

Dear Magistrate Judge Boyle:

We represent Defendants, Counterclaim Plaintiffs, and Third-Party Plaintiffs Joseph Uvino and Wendy Uvino (the "Uvinos") in the above-referenced matter. In advance of the parties' scheduled appearance for oral argument before the Court on Monday, September 13, 2010 at 3 p.m., I write to raise a serious issue which has arisen concerning the discovery schedule in this case. Unfortunately, the conduct of counsel for Plaintiff and Counterclaim Defendant John Barrows, Inc. ("JBI") and Counterclaim Defendant and Third-Party Defendant John Barrows ("Barrows") seeking to impede and delay this matter continues.

As the Court is aware, a September 13, 2010 cut-off date has been set for fact discovery in this case. The Uvinos have made every effort to complete their own depositions and discovery by that date, as well as making every effort to timely supply deposition dates for witnesses requested by the other parties. For example, in mid-August, the Uvinos provided at least 10 alternative dates for the completion of the deposition of Mr. Uvino (who has already been deposed for two full days), and repeatedly made efforts to obtain a date to complete the deposition of Ms. Kaehler, the architect involved in this matter. See email correspondence annexed hereto as Exhibit A. Indeed, on August 24, 2010, Mr. Byrne confirmed that Ms. Kaehler's deposition would proceed on September 9, 2010, see Exhibit A, and with the deposition of Mr. Victor Sheptovitsky on September 13, 2010 pursuant to subpoena, the Uvinos' discovery would have been completed.

On September 7, 2010, I appeared on behalf of the Uvinos at the continued deposition of Mr. Barrows, where, for the first time, Mr. Byrne, counsel for Ms. Kaehler, advised that he would not be producing Ms. Kaehler for a continued deposition today, September 9, 2010, as previously agreed, because he had not had the opportunity to complete the deposition of Mr. Uvino, despite the number of dates on which we had offered to produce Mr. Uvino. See Exhibit A.

Rather, counsel for Ms. Kaehler requested a two-week extension of the discovery deadline. In fairness, it appeared that part of Mr. Byrne's ability to schedule the Uvino deposition was the result of claimed unavailability of other counsel. Accordingly, and in a good faith effort to resolve the dispute prior to approaching the Court, as is required, I suggested that counsel have a discussion subsequent to the deposition taken yesterday, on September 8, 2010, to consider a minor modification of the existing discovery deadlines in order to accommodate the remaining depositions.

Counsel had such a discussion, which led to the preparation of the letter and proposed Revised Scheduling Order annexed hereto as Exhibit B, which each precisely summarize the outcome of the agreement among counsel regarding extensions of the current discovery deadlines set forth in the existing Scheduling Order dated August 3, 2010. Counsel agreed to request an extension of fact discovery to September 21, 2010, which had the impact, among other things, of moving Ms. Kaehler's deposition from today.

As agreed, I circulated a copy of the letter for review by all counsel, with the intention of submitting the letter expeditiously to the Court in light of the impending discovery deadline on Monday, September 13, 2010. No responses or objections were forthcoming from counsel until this morning, Thursday, September 9, 2010, when I received the email annexed hereto as Exhibit C from Alak Shak, counsel for JBI, which disingenuously disavows counsels' clear agreement regarding the extension of discovery deadlines, and to which I responded. Notably, Mr. Byrne, counsel for Ms. Kaehler, expressed no objection to the contents of our draft letter to Your Honor or the terms of the proposed scheduling order. See 09/09/10 Email Correspondence from M. Byrne to all parties, annexed hereto as Exhibit D.

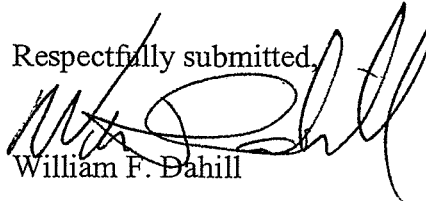
Since this morning, both counsel for JBI and for Barrows have offered altering versions of yesterday's discussion, which do not correspond to the reality of the discussions at all. See email correspondence annexed hereto as Exhibits E and F. In sum, with no justification, counsel for JBI and Barrows now seek a 45 day extension of discovery.

Ever since the parties' last appearance before Your Honor on August 3, 2010, at which time the September 13, 2010 fact discovery deadline was confirmed and dates for expert discovery deadlines and the final pre-trial conference were set, counsel for JBI and Barrows have relentlessly sought to delay the conclusion of discovery in this matter, including, but not limited to: (1) noticing six additional depositions of subcontractors approximately one week after appearing before Your Honor and within a month of the fact discovery deadline, despite the fact that discovery has been proceeding

in this matter for several years; (2) seeking leave of court to implead up to six additional new parties, (3) seeking leave of court to dismiss Barrows in a one-paragraph letter which provided no justification for such action; and (4) in the most recent email correspondence, announcing for the first time a sudden need to notice non-party depositions of other trade contractors within two business days of the discovery deadline, see Exhibit C. There is no legitimate basis to delay this matter, the conclusion of which is, among other things, important to and has an impact on the Uvinos' concurrent bankruptcy proceeding and reorganization.

Accordingly, after having been tricked out of the completion of discovery as agreed by the parties during discussions yesterday, we respectfully request that the Court direct that fact discovery be completed by September 21, 2010, and that there be a corresponding extension of the expert deadlines as set forth in our draft correspondence and draft Revised Scheduling Order annexed hereto as Exhibit B, which keep the current December 20, 2010 final pre-trial conference in place.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William F. Dahill', is written over the typed name.

William F. Dahill

cc: All Counsel (by First Class Mail)

Exhibit A

Parker, Serena

From: Dahill, William
Sent: Thursday, August 12, 2010 5:08 PM
To: 'JPlatek@oconnorlawfirm.com'
Cc: 'kdalli@suffolkaw.com'; 'mjb@gogick.com'; 'mwitz@optonline.net'; 'm.m.sternesq@gmail.com'; 'NYLawyer@aol.com'; 'JDavanzo@mdafny.com'; 'ajrlaw@aol.com'; Parker, Serena
Subject: Barrows/Uvino/KMA Litigation - Deposition Schedule
Follow Up Flag: Follow up
Flag Status: Red

As discussed yesterday, this email is to further the process of scheduling the completion of depositions by the 9/13 fact cut off. As I see it, we need to complete Wendy and Joe Uvino, John Barrows, and Laura Kaehler. As a reminder, we have been unable to serve Victor Sheptovitsky with a subpoena. We still intend to do so, but his deposition will not be on August 19 as noticed. I probably have about 2-3 hours left for Kaehler, it will help to get estimates from others (particularly Mike) as to time needed for the others, perhaps more than one can be done in a day. In any event, the following are days I would look to be available for the depositions – 8/18-20, 8/23-25, 8/27, 9/8, 9/9, and 9/13. Mike, I have been waiting to hear from you on dates for Laura for a couple of weeks. As for the Uvinos, I need to try to complete Mrs. Uvino by 8/20, and I should be able to be flexible with Mr. Uvino's availability.

Please let me know what works for you, and if need be, we can have a call to nail this down.

Best regards,

Bill

From: Dumas, Kyle
Sent: Thursday, August 12, 2010 11:04 AM
To: 'JPlatek@oconnorlawfirm.com'
Cc: 'kdalli@suffolkaw.com'; 'mjb@gogick.com'; 'mwitz@optonline.net'; 'm.m.sternesq@gmail.com'; 'NYLawyer@aol.com'; 'JDavanzo@mdafny.com'; 'ajrlaw@aol.com'; Dahill, William; Parker, Serena
Subject: RE: Barrows/Uvino/KMA Litigation

All,

Please see at the attached correspondence in connection with the above-referenced matter.

Thank You.

Kyle Dumas
Legal Assistant
Wollmuth Maher & Deutsch LLP
500 Fifth Avenue, 12th Floor
New York, NY 10110
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Parker, Serena

From: Dahill, William
Sent: Tuesday, August 24, 2010 3:07 PM
To: 'Platek, Jeremy'; 'Michael Byrne'; 'Kathryn Dalli'; 'mhealy@mdafny.com'
Cc: 'Carboni, Genine'; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; Parker, Serena; 'Shah, Alak'
Subject: Barrows/Uvino/KMA Litigation - Deposition Schedule
Follow Up Flag: Follow up
Flag Status: Red

Alak/Kathryn, please advise whether the deposition of Valdespino noticed for this Thursday at 10 a.m. is going to proceed, and if so, where. Also, have the depositions of JL Masonry and F. Schneider been confirmed for 9/1?

We have finally served Victor Sheptovitsky with a subpoena to testify on September 13. A notice will be circulated.

Mike Byrne has confirmed Laura Kaehler's continuation for 9/9 at my office.

The completion of Joe Uvino and John Barrows remain. I can be available with Joe Uvino on 9/7, 9/8, and 9/10. Please advise as to Mr. Barrows, who is being questioned at this point by Mike Byrnes.

I will be out of the office next week without access to email. If there are communications next week, please copy my colleague Serena Parker, who is copied above.

Best regards,

Bill

William F. Dahill
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Exhibit B

September 8, 2010

BY ECF AND FIRST CLASS MAIL

Magistrate Judge E. Thomas Boyle
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: J. Barrows, Inc. v. Uvino, et al.;
Uvino v. Kaehler-Moore Architects, LLC, et al.
Docket No. 09-03905

Dear Magistrate Judge Boyle:

We represent Defendants, Counterclaim Plaintiffs, and Third-Party Plaintiffs Joseph Uvino and Wendy Uvino (the "Uvinos") in the above referenced matter. I write pursuant to the parties' agreement to seek a joint request for a slight modification of the existing discovery deadlines. This is the parties' first request for an extension of time.

The parties have completed at least 11 days of depositions of various fact witnesses. In order to complete fact depositions, including at least one non-party, the parties respectfully request that the fact discovery deadline be extended from Monday, September 13, 2010 to Tuesday, September 21, 2010. In addition, the parties respectfully request a corresponding change in the expert discovery deadlines, such that the deadline for the submission of the Uvinos' expert report will be extended by one week, from Thursday, September 30, 2010 to Thursday October 7, 2010, the deadline for the submission of rebuttal reports will be extended by one week, from Friday, October 29, 2010 to Friday, November 5, 2010, and the deadline to complete expert discovery will be extended from Tuesday, November 30, 2010 to Tuesday, December 7, 2010. This request does not seek to extend the existing deadline of December 15, 2010 for the submission of a list of trial witnesses and trial exhibits, or the December 20, 2010 final pre-trial conference. Pursuant to Your Honor's individual rules, please find annexed a proposed Revised Scheduling Order.

Respectfully submitted,

William F. Dahill

cc: All Counsel (by First Class Mail)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
J. BARROWS, INC.,

Plaintiff,

-against-

JOSEPH UVINO, WENDY UVINO, WOOD & COLORS,
INC. and POOLS BY PAUL GUILLO, INC.,

Defendants,

-and-

JOHN BARROWS, VALDESPINO CUSTOM BUILDERS,
INC., J.L. MASONRY & CONSTRUCTION, INC.,
F. SCHNEIDER CONTRACTING CORP. and
HAMPTON CONTRACTING, INC.,

Additional Defendants on the Counterclaims.
-----X

-----X
JOSEPH UVINO, WENDY UVINO, WOOD & COLORS,
INC. and POOLS BY PAUL GUILLO, INC.,

Third-Party Plaintiffs,

- against -

JOHN BARROWS, VALDESPINO CUSTOM BUILDERS,
INC., J.L. MASONRY & CONSTRUCTION, INC.,
F. SCHNEIDER CONTRACTING CORP. and
HAMPTON CONTRACTING, INC.,

Third-Party Defendants.
-----X

Docket No.: 09-03905
(LDW)(ETB)

REVISED SCHEDULING ORDER

1. The fact discovery deadline shall be extended from Monday, September 13, 2010 to Tuesday, September 21, 2010.

2. The deadline for service of the Uvinos' expert report shall be extended from Thursday, September 30, 2010 to Thursday, October 7, 2010.

3. The deadline for service of rebuttal expert reports shall be extended from Friday, October 29, 2010 to Friday, November 5, 2010.

4. The expert discovery deadline shall be extended from Tuesday, November 30, 2010 to Tuesday, December 7, 2010.

5. The deadline for the submission of a list of trial witnesses and experts shall remain on December 15, 2010.

6. The final pre-trial hearing shall take place on December 20, 2010, at 2 p.m. by telephone.

7. Other than as set forth above, the Court's August 3, 2010 Scheduling Order remains in place.

SO ORDERED:

E. THOMAS BOYLE
UNITED STATES DISTRICT COURT JUDGE

Exhibit C

Parker, Serena

From: Dahill, William
Sent: Thursday, September 09, 2010 10:39 AM
To: 'Shah, Alak'; Parker, Serena; Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; kdalli@suffolkaw.com; Michael Byrne
Cc: Platek, Jeremy; Tobacco, Tracie
Subject: RE: Barrows/Uvino/KMA Litigation - Schedule

Mr. Shah, your email below is a shameful work of fiction. We will make it clear to the magistrate on Monday of you and your colleague's continuing misconduct.

Nothing was changed as a courtesy to me. I was prepared to proceed with Ms. Kaehler today, and Mr. Sheptovitsky on Monday, and to complete fact discovery by 9/13 as set by the court. It was on Tuesday that Mr. Byrne advised that he refused to produce Ms. Kaehler today because he had not completed Mr. Uvino, despite that fact that I had proposed multiple dates for that deposition beginning in mid-August. He of course had no basis to do that, but as a compromise I suggested that we speak yesterday after the Starkman deposition yesterday to agree to a modest extension to accommodate the completion, which is what we did. And despite your fabrication, we agreed precisely on what I wrote to the magistrate - that we would jointly agree to request to extend to 9/21, with the modification to the expert dates of one week. If Michael and Kathryn have any honor, they will confirm that is precisely what we agreed. So your email below, stating that we had not made an agreement is a false statement. If you are changing your mind, after the fact, you should say so.

You and your client have been playing games to try to delay the inevitable, and we will make that clear to the court.

-----Original Message-----

From: Shah, Alak [mailto:ashah@oconnorlawfirm.com]
Sent: Thursday, September 09, 2010 10:10 AM
To: Dahill, William; Parker, Serena; Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; kdalli@suffolkaw.com; Michael Byrne
Cc: Platek, Jeremy; Tobacco, Tracie
Subject: RE: Barrows/Uvino/KMA Litigation - Schedule

Dear Ms. Parker and Mr. Dahill,

Please be advised that we do not agree to the terms of the proposed scheduling order or the contents of your letter to the Magistrate.

During our conversation regarding outstanding discovery and the upcoming fact discovery deadline of September 13, 2010, we consented to the adjournment of Ms. Kaehler's deposition from today, September 9, 2010, only as a courtesy to Mr. Dahill.

As for the depositions that were scheduled for Monday September 13, 2010 (Victor Sheptovitsky at 10:00am in NYC and Hampton Contracting and F. Schneider Contracting in Riverhead, NY at 10:00am and 1:30pm respectively), we only consented to the adjournment of Mr. Sheptovitsky's deposition in light of the conflict with the court conference scheduled by Magistrate Boyle at 3:00pm. Please be advised that we were prepared to go forward with all of the depositions as scheduled, making use of two attorneys on Monday just to ensure completion per the Court's discovery scheduling order.

We consented to the adjournment of the fact discovery deadline from September 13, 2010 to September 21, 2010 as proposed by Mr. Dahill solely to accommodate the foregoing.

Over the course of the past two summer months, we have had two attorneys working as diligently as possible on this matter, giving it priority over all of our other matters. We have completed 11 days of depositions in this matter during that time. We also had depositions scheduled for today, September 9, 2010 and multiple depositions on Monday,

September 13, 2010 with two attorneys appearing to complete them timely. We have also not adjourned any depositions in this matter to date, often rearranging our other obligations for this matter. Needless to say, we have done everything possible to litigate this matter as expeditiously as possible.

The only reason depositions have not been completed by the discovery deadline is because of Mr. Dahill's own delays in scheduling the deposition of Donald Moore, the contractor who took over JBI's role at the site following its termination. Mr. Moore's deposition was originally noticed for April 8, 2010, but was adjourned at Mr. Dahill's request because Mr. Dahill agreed to reschedule it promptly and prior to all other party depositions. However, it was not rescheduled until June 22, 2010, two and a half months later, thereby delaying the depositions of all other necessary parties.

At the conference before Magistrate Boyle on Monday, we will seek a 45 day extension of the discovery deadline so that we may complete all of the depositions that were scheduled over the next few days as well as depositions of each of the trade contractors that are named parties to this case. We feel this is a reasonable request for an extension because we still require the depositions of Victor Seheptovitsky (at least 2 days), Ms. Kaehler (at least 1 more day), Valdespino Custom Builders, Inc., F. Schneider Contracting Corp., Hampton Contracting (scheduled Monday, September 13, 2010 at 10:00am in Riverhead), Wood & Colors, Inc. and Pools by Paul Guillo, Inc, as well as possible non-party depositions of other trade contractors. This is also the first discovery extension sought in this complicated matter with numerous parties.

It is simply not possible to complete all of the foregoing depositions by September 21, 2010, especially in light of the fact that next week is the eve of Yom Kippur, a major Jewish Holiday when many attorneys and parties are often unavailable.

In light of all of the foregoing, we respectfully request an extension of the fact discovery deadline until Thursday, October 28, 2010.

Sincerely,

Alak Shah
O'CONNOR REDD, LLP
200 Mamaroneck Ave., 2nd Fl
White Plains, New York 10601
(914) 686-1700

-----Original Message-----

From: Dahill, William [mailto:WDahill@WMD-LAW.com]
Sent: Thursday, September 09, 2010 9:59 AM
To: Parker, Serena; Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; Shah, Alak; kdalli@suffolklaw.com; Michael Byrne
Subject: RE: Barrows/Uvino/KMA Litigation - Schedule

We intend to file this shortly, as it sets forth the agreement reached yesterday among counsel after the Starkman depositions.

-----Original Message-----

From: Parker, Serena
Sent: Wednesday, September 08, 2010 5:10 PM
To: Parker, Serena; 'Platek, Jeremy'; 'mhealy@mdafny.com'; 'mwitz@optonline.net'; 'm.m.sternesq@gmail.com'; 'NYLawyer@aol.com'; 'ajrlaw@aol.com'; 'Shah, Alak'; 'kdalli@suffolklaw.com'; 'Michael Byrne'; Dahill, William
Subject: RE: Barrows/Uvino/KMA Litigation - Schedule

Counsel,

Further to my prior email, please see the attached draft Revised Scheduling Order. We would like to file the letter and order as soon as possible, so please provide us with any comments at your earliest convenience.

Regards,

Serena

Serena M. Parker
Wollmuth Maher & Deutsch LLP
500 Fifth Avenue, 12th Floor
New York, New York 10110
Tel: 212 382-3300
Fax: 212 382-0050
www.wmd-law.com

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-----Original Message-----

From: Parker, Serena
Sent: Wednesday, September 08, 2010 3:37 PM
To: Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net;
m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; Shah, Alak;
kdalli@suffolkclaw.com; Michael Byrne
Subject: Barrows/Uvino/KMA Litigation - Schedule

Counsel,

As discussed, please see the attached joint request letter to Judge Boyle seeking an extension of time on discovery deadlines. Please provide any comments ASAP. We will circulate a draft Revised Scheduling Order as required by Judge Boyle's rules shortly.

Regards,
Serena

Serena M. Parker
Wollmuth Maher & Deutsch LLP
500 Fifth Avenue, 12th Floor
New York, New York 10110
Tel: 212 382-3300
Fax: 212 382-0050
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Exhibit D

Parker, Serena

From: Michael Byrne [mjb@GOGICK.com]
Sent: Thursday, September 09, 2010 11:46 AM
To: Parker, Serena; Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; Shah, Alak; kdalli@suffolkclaw.com; Dahill, William
Subject: RE: Barrows/Uvino/KMA Litigation - Schedule

No objection.

-----Original Message-----

From: Parker, Serena [mailto:sparker@wmd-law.com]
Sent: Wednesday, September 08, 2010 5:10 PM
To: Parker, Serena; Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; Shah, Alak; kdalli@suffolkclaw.com; Michael Byrne; Dahill, William
Subject: RE: Barrows/Uvino/KMA Litigation - Schedule

Counsel,

Further to my prior email, please see the attached draft Revised Scheduling Order. We would like to file the letter and order as soon as possible, so please provide us with any comments at your earliest convenience.

Regards,
Serena

Serena M. Parker
Wollmuth Maher & Deutsch LLP
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From: Parker, Serena
Sent: Wednesday, September 08, 2010 3:37 PM
To: Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; Shah, Alak; kdalli@suffolkclaw.com; Michael Byrne
Subject: Barrows/Uvino/KMA Litigation - Schedule

Counsel,

As discussed, please see the attached joint request letter to Judge Boyle seeking an extension of time on discovery deadlines. Please provide any comments ASAP. We will circulate a draft Revised Scheduling Order as required by Judge Boyle's rules shortly.

Regards,
Serena

Serena M. Parker
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Exhibit E

Parker, Serena

From: Shah, Alak [ashah@oconnorlawfirm.com]
Sent: Thursday, September 09, 2010 12:16 PM
To: Dahill, William; Parker, Serena; Platek, Jeremy; mhealy@mdafny.com; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com; ajrlaw@aol.com; kdalli@suffolkclaw.com; Michael Byrne
Cc: Tobacco, Tracie
Subject: RE: Barrows/Uvino/KMA Litigation - Schedule

Dear Mr. Dahill,

My earlier email agrees that we consented to a one week adjournment. However, I did not consent to keeping the rest of the scheduling order in place as is indicated in your proposed revised scheduling order.

As I had indicated yesterday, we still require the depositions of multiple parties (many of which were brought into the case by your clients) and seek more than just a week to do so. However, as you adamantly refused to a longer extension (I proposed 45 days yesterday), *we consented to the one week extension in the meantime only and with the expectation of seeking a longer extension from the Court on Monday. Your current proposed order would seemingly preclude us from seeking a longer extension on Monday.* We are not now changing our position, only clarifying because your letter and proposed order suggested that there was some miscommunication.

The only information I had yesterday regarding Ms. Kaehler's deposition scheduled for today was that you had other obligations that you did not want to reschedule if not necessary. Regardless, you will recall that I was hesitant to the adjournment of any depositions (including Ms. Kaehler's) and only agreed as a courtesy, whether it be to you or not.

The fact that I was hesitant to any adjournments yesterday clearly shows that we are not trying to delay the litigation of this case. Moreover, although we have written to the Magistrate about multiple discovery issues, we have still proceeded with all depositions as scheduled to date and not delayed the matter at all.

Sincerely,

Alak Shah

Exhibit F

Parker, Serena

From: Kathryn Dalli [kdalli@suffolkclaw.com]
Sent: Thursday, September 09, 2010 12:31 PM
To: Michael Byrne
Cc: Dahill, William; Alak Shah; Parker, Serena; Jeremy Platek; Mark Healy; mwitz@optonline.net; m.m.sternesq@gmail.com; NYLawyer@aol.com
Subject: Re: Barrows/Uvino/KMA Litigation - Schedule

Bill,

Let's all try to keep the tensions down if possible. No one is trying to delay the disposition of this case. In fact, I think we all would like nothing more than to have this case completed as soon as possible. Due to the complexity of the case, however, and the very short summer discovery schedule unfortunately we have not been able to complete discovery as we hoped and all tried to do. Because there are multiple parties, scheduling has been difficult. I agree that we need some more time to complete the parties' depositions and I don't feel that 1 week is realistic. We agreed to the 1 week that you proposed yesterday, but I don't think that that precludes us from asking for additional time from the Magistrate. I was not aware that you were going to send an Order to the Magistrate. My understanding was that you would send around a letter memorializing our discussions yesterday. I do not want there to be any misunderstanding that I believed that 1 week was enough time to get done what is necessary in this case. 1 week was all you would agree to, so we took it.

Kathryn

Kathryn Dalli, Esq.
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Dubin & Quartararo, LLP
33 West Second Street
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kdalli@suffolkclaw.com
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